



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107
SEP 12 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In Reply Refer to: 3HW16

Bill J. Kaoudis, Inc.
Builders and General Contractors
11206 Jefferson Avenue
Newport News, VA 23601

Re: Chisman Creek Site, York County, Virginia

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) sent your company a letter dated November 4, 1985, regarding the above referenced site. The letter indicated that EPA had documented the release or threatened release of hazardous substances from the site, and that EPA was considering spending funds to control those releases pursuant to its authority under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq. (CERCLA). The November 4, 1985 letter further indicated that your company had been identified by EPA as a potentially responsible party and extended your company the opportunity to undertake action necessary to control the release and/or threatened releases. EPA has recently completed a Remedial Investigation and Feasibility Study for the site, as defined herein, and is again extending your company the opportunity to undertake action necessary to control the release and/or threatened release of hazardous substances at the site.

Under Sections 106(a) and 107(a) of CERCLA and other laws, responsible parties may be required to undertake response actions at a site if EPA determines that a release or threatened release of hazardous substances from the site may present an imminent and substantial endangerment to public health, welfare or the environment. Such parties may also be liable for costs incurred by the government in responding to any such release or threatened release at the site. These costs may include, but are not limited to, expenditures for investigation, planning, site cleanup and enforcement.

Responsible parties under CERCLA include current and past owners and operators of sites from which hazardous substances have been released or threaten to be released, as well as persons who generated the hazardous substances or were involved in the transport, treatment or disposal of them.

EPA has information indicating that an area of fly ash disposal at the Chisman Creek site lies within the boundaries of property identified in the York County tax records as property number 230, section 24, and that this property is owned by Bill J. Kaoudis, Inc. The presence of fly ash at the Chisman Creek site has resulted in and continues to result in the release and/or threatened release of hazardous substances into the air, soil, ground water, surface water and sediment at the site.

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As previously noted, EPA has recently completed the following studies at the Chisman Creek site:

1. Remedial Investigation (RI) - An RI is an investigation which defines the nature and extent of air, soil, ground water, surface water and sediment contamination at a site. Furthermore, an RI describes local hydrogeological characteristics of a site and investigates a site's impact upon biotic receptors; and
2. Feasibility Study (FS) - An FS is a study to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at a site.

The FS identifies corrective measures necessary to protect public health, welfare, or the environment. Such measures may include but are not limited to:

1. Designing and implementing the EPA approved remedial alternative; and
2. Providing any monitoring and maintenance necessary after remedial measures are completed.

Once EPA determines the appropriate remedial alternative, EPA will offer your company and other potentially responsible parties an opportunity to conduct the design, implementation, operation and maintenance of the EPA approved remedial alternative.

EPA has recently completed the final draft of the RI and FS reports, and, upon request, will furnish you with copies. Following a public comment period on the RI/FS reports, a Record of Decision (ROD) will be prepared. The ROD will define the EPA approved remedial alternative and will be based on the RI/FS. Should your company be interested in implementing the remedial alternative selected by EPA, please advise EPA of your interest, in writing, within 14 days of your receipt of this letter. If EPA does not receive written notification of your interest, EPA will assume that you decline any involvement. EPA may then elect to implement such remedial alternative and bring a civil action against you to recover the costs incurred by EPA in implementing the remedial alternative.

If your company is already involved in discussions with the state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, your company should continue such activities as your company sees fit; you should not interpret this letter to advise or direct your company to restrict or discontinue any such activities. However, EPA requests that you report the status of those discussions or that action in your response to EPA. Please provide a copy of your response to any other party involved in those discussions.

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Your letter should be addressed to:

Susan E. Belski (3HW16)
U. S. Environmental Protection Agency
Region III
DELMARVA/WV/DC CRES
841 Chestnut Building
Philadelphia, PA 19107

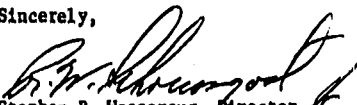
If you need further information, Ms. Belski can be reached at
(215) 597-8240.

EPA would like to encourage good faith negotiations between your company and EPA and between your company and the other parties potentially responsible for the Chisman Creek site. The names of the other potentially responsible parties are set forth in the enclosed list. EPA requests that you schedule discussions with the other potentially responsible parties regarding cleanup efforts and organize yourselves into a single representative body to facilitate negotiations with EPA.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as EPA's final position on any matter set forth herein.

Due to the seriousness of the problem at this site and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give these matters your immediate attention.

Sincerely,


Stephen R. Waspepug, Director
Hazardous Waste Management Division

Enclosure: List of Potentially Responsible Parties

cc: William F. Gilley, P.E., Director
Division of Solid and Hazardous Waste Management
Virginia State Department of Health

Gene Lucero
Office of Waste Programs Enforcement
EPA, Headquarters

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List of Potentially Responsible Parties

The following is a list of potentially responsible parties regarding the Chisman Creek Site located in York County, Virginia.

R. L. Brandt and Sons
P. O. Box 787
Grafton, VA 23692

Ronald Earl Brandt
125 Mill Lane
Grafton, VA 23692

Robert L. Brandt, Jr.
P. O. Box 787
Grafton, VA 23692

William E. Brandt
112 Gooseneck Road
Yorktown, VA 23692

Bill J. Kaoudis, Inc.
Builders and General Contractors
11206 Jefferson Avenue
Newport News, VA 23601

Ernest D. Lemonds, Sr.
c/o Dale Lemonds
300 Wolftrap Road
Grafton, VA 23692

Carol Ann Reichle
c/o Reichle, Maguire and Berrane, P.C.
2174 George Washington Highway
P. O. Box 787
Grafton, VA 23692

Donald J. Reichle, Esquire
c/o Reichle, Maguire and Berrane, P.C.
2174 George Washington Highway
P. O. Box 787
Grafton, VA 23692

(Donald J. Reichle, Esquire, was issued a notice letter regarding the Estate of Robert L. Brandt, Sr.)

Sam C. Brown, Jr., Senior Vice President
Virginia Power
Post Office Box 26666
Richmond, VA 23261

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